

## **CORRECTED FISCAL NOTE**

### **SB 3901 - HB 4034**

May 23, 2006

**SUMMARY OF BILL:** Removes the statute of limitations for prosecution for aggravated rape, sexual battery, rape, sexual battery by an authority figure, and incest committed against a person under the age of 18.

#### **ESTIMATED FISCAL IMPACT:**

**(CORRECTED)**

**Increase State Expenditures - \$2,267,300/ Incarceration\***

**(Funding of \$1,791,000 is included in the Governor's FY06-07 Recommended Budget)**

Assumptions:

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2006 is \$50.02.
- Three persons will be convicted of a Class A felony offense of rape of a child and will serve 100% of the 20-year sentence. The cost per inmate per year is \$18,269.81 (\$50.02 x 365.25 days). The maximum cost per inmate in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is \$182,698.05 (\$50.02 x 3,652.50 days). The total additional operating cost for three offenders is \$548,094.15 (\$182,698.05 x 3).
- Three persons will be convicted of a Class A felony offense of aggravated rape of a child and will serve 17 years. The total additional operating cost for three offenders is \$548,094.15 (\$182,698.05 x 3).
- Six persons will be convicted of a Class B felony offense of aggravated sexual battery of a child and will serve 6.8 years. Population growth of 1.09 percent per year will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year is based on seven offenders serving 6.8 years (2,483.70 days). The cost per inmate in the tenth year is \$124,234.67 (\$50.02 x 2,483.70 days). The total additional operating cost for seven offenders is \$869,642.69 (\$124,234.67 x 7).
- One person will be convicted of a Class B felony offense of attempted rape of a child and will serve 2.4 years (876.60 days). The cost per inmate is \$43,847.53 (\$50.02 x 876.60).

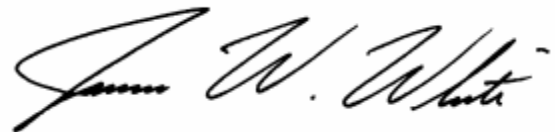
**SB 3901 - HB 4034 (CORRECTED)**

- One person will be convicted of a Class B felony offense of attempted aggravated rape of a child and will serve 2.4 years (876.60 days). The cost per inmate is \$43,847.53 (\$50.02 x 876.60).
- Three persons will be convicted of a Class B felony offense of rape and will serve 2.4 years (876.60 days). The cost per inmate is \$43,847.53 (\$50.02 x 876.60). The total additional cost for three offenders is \$131,542.60 (\$43,847.53 x 3).
- Three persons will be convicted of a Class C felony offense of attempted aggravated sexual battery of a child and will serve 0.9 years (328.73 days). The cost per inmate is \$16,443.07 (\$50.02 x 328.73 days). The total additional operating cost for three offenders is \$49,329.21 (\$16,443.07 x 3).
- One person will be convicted of a Class C felony offense of sexual battery by an authority figure of a child and will serve 0.9 years (328.73 days). The cost per inmate is \$16,443.07 (\$50.02 x 328.73 days).
- One person will be convicted of a Class C felony offense of incest of a child and will serve 0.9 years (328.73 days). The cost per inmate is \$16,443.07 (\$50.02 x 328.73 days).
- One person will be convicted of a Class C felony offense of attempted rape and will serve 0.9 years (328.73 days). The cost per inmate is \$16,443.07 (\$50.02 x 328.73 days).
- Three offenders will be convicted of a Class E felony offense of sexual battery of a child and will serve 0.3 years (109.56 days). The cost per inmate is \$5,480.19 (\$50.02 x 109.56 days). The total additional operating cost for three offenders is \$16,440.57 (\$5,480.19 x 3).

*\*Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director